

NOTE: The Oakland Operations Office developed a matrix of applicable training courses in support of the Technical Qualification Program's Technical Communication content area. Courses relating to Occupational Safety competency 3.1 are listed in this matrix. Oak Ridge Operations Office (ORO) took responsibility for developing study materials for most of the Occupational Safety functional standard. As further support to the Department's Occupational Safety professionals, ORO developed study materials addressing the content of this competency as well. It is added to this study guide for your convenience. The course matrix is available for downloading off of the Internet at:

<http://cted.inel.gov/cted/matrix-l.html>.

Occupational Safety Competency 3.1

Competency 3.1 Occupational safety personnel shall demonstrate a working level knowledge of the requirements and methods to maintain communication with Headquarters, field elements, and regulatory agencies.

1. Supporting Knowledge and Skills

- a. Describe the Department's organization and discuss the Department's procedures for communicating between Headquarters and field elements.
- b. Describe the Department's procedures and policies for communicating with the Occupational Safety and Health Administration, the Bureau of Labor Statistics, the National Institute for Occupational Safety and Health, and other regulatory agencies.
- c. Discuss the respective jurisdictions of the Department of Energy and the Occupational Safety and Health Administration concerning occupational safety and health matters on Department of Energy work sites.

2. Self-Study Activities (Corresponding to the Intent of the Above Competency)

Below are two web sites containing many of the references you may need.

Web Sites		
Organization	Site Location	Notes
Department of Energy	http://www.doe.gov/	DOE Standards, Guides, and Orders
U.S. House of Representatives	http://law.house.gov/cfr.htm	Searchable Code of Federal Regulations

Read DOE O 440.1, *Worker Protection Management for DOE Federal and Contractor Employees*.

Occupational Safety Competency 3.1

Scan 29 CFR 1910, *Occupational Safety and Health Standards for General Industry*; 29 CFR 1926, *Safety and Health Regulations for Construction*, and 29 CFR 1960, *Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters*.

- EXERCISE 3.1-A Describe the Department's organization and discuss the Department's procedures for communicating between Headquarters and field elements.
- EXERCISE 3.1-B Describe the Department's procedures and policies for communicating with the Occupational Safety and Health Administration, the Bureau of Labor Statistics, the National Institute for Occupational Safety and Health, and other regulatory agencies.
- EXERCISE 3.1-C Discuss the respective jurisdictions of the Department of Energy and the Occupational Safety and Health Administration concerning occupational safety and health matters on Department of Energy work sites.

3. Summary

The Occupational Safety and Health Act (OSHA) became effective on April 28, 1971. The act grants the Secretary of Labor the authority to promulgate, revise, and revoke safety and health standards, to conduct inspections and investigations and to issue citations, and to require employers to keep records of safety and health data. This authority includes a shared responsibility with other Federal agencies for the adequacy of programs in the organizations reporting to them. The general provisions of the act require each employer to furnish each employee with a workplace free from recognized hazards, and to comply with occupational safety and health standards. DOE has established that 29 CFR 1960 and OSHA requirements are to be the minimum standards for federal employees.

DOE O 440.1, *Worker Protection Management for DOE Federal and Contractor Employees*, establishes the specific requirements for the management of Occupational Safety and Health (OSH) at DOE facilities. OSHA standards and regulations such as 29 CFR 1910, *Occupational Safety and Health Standards for General Industry*; 29 CFR 1926, *Safety and Health Regulations for Construction*; and 29 CFR 1960, *Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters* are important documents for occupational safety personnel.

Occupational Safety Competency 3.1

4. Exercise Solutions

EXERCISE 3.1-A Describe the Department's organization and discuss the Department's procedures for communicating between Headquarters and field elements.

ANSWER 3.1-A The DOE complex operates on the basis of a "chain of command" with the different levels; headquarters, operations or field office, area office, and contractor all have different responsibilities. Formal policy, requirements, assessments, responses, etc., should be passed up and down, with the different levels of the chain of command performing their assigned duties and being held accountable for their actions. In order for DOE to function effectively, all levels of the organization are responsible for formally acting upon and initiating actions only from the appropriate level of DOE and contractor. Pressures to violate the chain of command should be resisted, and all formal actions must be transmitted through proper channels to ensure review and approval before decisions are made or actions taken. Similarly, only authorized personnel may represent, make commitments for, or communicate in the name of DOE with other Federal agencies.

The Office of Environment, Health and Safety (EH) has responsibility for developing and coordinating Departmental policy for nuclear reactor and nonreactor nuclear facility safety. In this connection, reactor and nonreactor nuclear facility safety embraces all systems and activities that can influence the potential for uncontrolled release of fission products, or for nuclear criticality. Certainty of nuclear safety involves not only verification that nuclear reactor and nonreactor nuclear facility designs comply with applicable standards, but also verification that plant modifications, operations, maintenance, and plant material conditions meet nuclear safety requirements, and that human performance facets that could potentially affect nuclear safety are receiving appropriate attention.

The Office of Defense Programs (DP) continues to be fully responsible within the Department for all elements of nuclear weapons safety.

Occupational Safety Competency 3.1

EH also directs the development of environmental, safety and health policy in areas other than those designated above. In addition, EH is responsible for and conducts independent assessments to assure compliance with applicable laws related to environmental protection, worker safety and health (excepting radiation safety), and public health and safety related to DOE operations. On matters involving the independent oversight role, EH has direct access to the Secretary.

In addition, EH is responsible for inspecting and assessing the effectiveness of the Department's safeguards and security policies, programs, and their implementation in the field; and for the safety certification of packaging containers for shipment of DOE radioactive materials, excluding nuclear weapons.

In the area of radiological protection, EH is responsible for promulgating and maintaining the definitive policies, standards, and guidance for the Department's radiological protection program. These responsibilities include ensuring that the policies and standards are effective and capable of implementation by line management. In order to provide the Department with the framework for effective radiological control practices that are consistent with respect to requirements and standards, EH has prepared a comprehensive and definitive Radiological Control Manual, to be the basis by which site-specific manuals can be generated.

The Director of the Office of Nuclear Safety has the responsibilities of independent monitoring and assessment of the effectiveness of the Department's radiological protection performance, including independent oversight of on-site operational performance.

The Department's line managers are fully responsible for the performance of radiological controls within their programs and the field activities and sites assigned to them.

EXERCISE 3.1-B Describe the Department's procedures and policies for communicating with the Occupational Safety and Health Administration, the Bureau of Labor Statistics, the National Institute for Occupational Safety and Health, and other regulatory agencies.

Occupational Safety Competency 3.1

ANSWER 3.1-B DOE is required to follow OSHA Standards by DOE O 440.1, as well as Executive Order 12196, “which establishes policies and responsibilities within Federal departments and agencies for implementation of the Occupational Safety and Health Act of 1970.” Accordingly, a knowledge of the DOE responsibilities, the purpose of the OSHA Code of Federal Regulations, 29 CFR 1910, and the regulatory interfaces between OSHA and DOE is needed.

In accordance with regulations, mandatory guidance, good practice, and common sense, it is vital that critical occupational safety data and information be maintained and be retrievable. Critical data includes the following: (1) what is needed to make decisions at the moment, and (2) what is needed to document and defend decisions made in the past. This data would include exposure assessments, recommendations for and actual controls and medical surveillance, and past sampling data retrievable by employee, time, location, department, operation, and agent. Copies of past operating procedures and manuals should probably also be retained for future reference.

EXERCISE 3.1-C Discuss the respective jurisdictions of the Department of Energy and the Occupational Safety and Health Administration concerning occupational safety and health matters on Department of Energy work sites.

ANSWER 3.1-C The Occupational Safety and Health Act of 1970 exempted Federal agencies from the authority of OSHA to the extent that those agencies exercised independent authority over worker safety and health DOE, granted such authority under the auspices of the Atomic Energy Act, is the only Federal agency that claims such an exemption. In 1993, DOE O 5483.1A (now DOE O 440.1) required DOE contractors to obey and implement all OSHA standards. However, OSHA does not have right-of-entry or inspection at DOE weapons facilities, nor can it issue citations at DOE facilities or impose financial or criminal penalties if DOE contractors fail to comply with these standards. DOE O 440.1, *Worker Protection Management for DOE Federal and Contractor Employees*, requires DOE elements to implement a written worker protection program that. . .“integrates all requirements contained in paragraphs 4a through 4l of this order; program requirements, contained in Title 29 Code of Federal Regulations (CFR) Part 1960, *Basic Program Elements for Federal Employee Occupational Safety and Health Programs and Related Matters*. . .”

Occupational Safety Competency 3.1

Senior DOE Headquarters and field line officials are directed to ensure that their facilities conform to applicable operational, environmental, safety, health, and security standards established by law, regulation, or Departmental policy while at the same time ensuring that they meet their production and research missions. Based on the agreement with the Occupational Safety and Health Administration (OSHA), the Department exercises full and independent statutory authority to prescribe and enforce standards fully compatible with OSHA regulations in its facilities.

Furthermore, OSHA has established and codified a process in 29 CFR 3960, Subpart B, for affirming that senior Federal managers assume responsibility for Federal worker safety and health programs. The regulation provides for a Designated Agency Occupational Safety Official identified as the senior Federal manager responsible for the safety and health of workers at the agency (the Director of Administration and Human Resource Management). DOE has adopted the OSHA approach and emphasizes that the respective Program Senior Officials (PSOs) are designated as the assigned program officials responsible for the safety and health of contractor workers under their purview. Accordingly, they are responsible for administering occupational safety and health compliance programs; establishing programmatic goals, objectives, and priorities; and identifying and applying necessary resources to mitigate hazards and comply with requirements relevant to contractor workers.

The PSOs' Self-Assessment Offices evaluate DOE and contractor line management accountability for the implementation of these workplace safety and health requirements; they are charged to regularly report the status of compliance to the PSOs. The self-assessment organizations in the field serve a similar purpose for their answerable line officials. The Office of Environment, Safety and Health (EH) is responsible for developing Departmental policies, requirements, and guidance upon which the Department exercises its authority under OSHA. In addition, EH assesses and reports to the Secretary and to the PSOs on the status and adequacy of line management performance of its occupational safety and health responsibility at DOE facilities.